

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and
ROSLYN WOODARD SMITH,
Individually and as Administrators of
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

CITY OF WILMINGTON,

JOHN CIRITELLA, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

and

MATHEW KURTEN, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

Defendants.

ORDER

WHEREAS, Plaintiffs having moved this Court *in limine* for an order to exclude evidence Harry Smith, III had a scalpel, attempted to carjack a vehicle, and/or had a gun of any type;

WHEREAS, the Court having considered Plaintiffs' Motion *in limine* to exclude evidence, and good cause having been shown for the relief sought in the Motion;

IT IS HEREBY ORDERED this _____ day of _____, 2006 that Plaintiffs' Motion is GRANTED.

Gregory Sleet
United States District Judge